

In Patent Application Serial No. 09/944,684  
Filed August 31, 2001

**DECLARATION OF BURTON L. LEVIN UNDER 37 CFR 1.132**

I, Burton Levin, hereby declare as follows:

1. My residence address is 3088 Rosemary Lane, Lake Oswego, OR 97034.
2. Since March 31, 1999 I have been employed by Sharp Laboratories of America (SLA), Inc., 5700 N.W. Pacific Rim Boulevard, Camas, Washington 98607. From March 31, 1998 to March 30, 1999, I was a contractor, working for Sharp Laboratories as a Program Manager. My title is Senior Program Manager. My responsibilities include development of firmware and software related to image processing, including printer drivers, color imaging, scanner and copier firmware.
3. My educational background includes a BS, Mathematics and Physics, University of Illinois, and a Master of Science/Computer Science from West Coast University.
4. Prior to my employment with SLA, I worked at Atlas Telecom where I was Director of Engineering. Prior to working at Atlas Telecom, I was Vice President of Engineering at Interconnectix, Portland Oregon. My background includes the design and development of complex hardware, firmware, and software products. I have several patents for inventions in VLSI design, memory architecture, and software in a diversity of applications spanning the last 24 years. I have further developed IP in divers areas, such as, for image handling and software/hardware appliances to help the visually handicapped in their home and business environments.
5. I have read the claims and relevant portions of the specification for the patent application at issue, Serial No. 09/944,684, entitled "System and Method for Using

a Profile to Encrypt Documents in a Digital Scanner", invented by Guy Eden. I have also read the Office Action of June 29, 2006, where the Applicant's claims have been rejected as obvious. I have read the relevant sections from the three prior art references: Seder et al. and Hind et al.

5. The primary reference upon which the examiner relies is Seder et al. It is my opinion that the Seder et al. reference cannot be said to make the Applicant's claims obvious. First, the entire point and purpose of the Seder et al. invention is different than the purpose stated in the applicant's independent claims (claims 1, 13, 14, 26, and 27). Second, the components of the Seder et al. system are completely different than those described in the applicant's claims. For this reason, I do not think that a person of skill in the field of scanning and printing imaging device driver software, such as myself, could possibly derive the applicant's claimed invention by "tinkering" with the Seder et al. design. Even if the Hind et al. invention is merged with Seder et al, that merger still does not make obvious the use of the applicant's invention, or the components used to enable the invention described by the applicant's claims.

6. Seder et al. describes a process for tagging a printed document with an invisible watermark at the time of printing. The watermark is associated with a payload. The bigger the payload, the more information that can be loaded into the watermark, for identifying attributes of the document. Thus, the payload refers to the complexity of the watermark, and the watermark is a device for identifying or tagging a printed document. Seder et al. also states that the watermark payload can be used as a pointer to a "record", which includes more detailed information about the document.

The examiner refers to the record of Seder et al. as a profile, because both elements are files. However, I find this analysis flawed. On the most abstract level, each record of Seder et al. describes a particular stored document, and there is a one-to-one, fixed relationship between a record and document. The applicant's profile on the other hand, does not describe a document, and is not fixedly linked with a document. Rather, the applicant's profile is a set of processing instructions which are momentarily associated with a scanned document. In the present case, the processing instructions concern encryption and destination address. Once the processes are carried out, the linkage between the profile and scanned document is broken.

The examiner also describes the records of Seder et al. as having an address field and an encryption field. The so-called address field described by Seder et al. is a system for managing the address of the record in the database, in case the record is moved. Again, the correlation between record and profile cannot be maintained. While Seder et al. describes the location of record with a changing address, the applicant describes a field inside profile. This address field has nothing to do with locating the profile. Rather, the profile field is used as a scanned document destination.

The examiner writes that Seder et al. describe a profile encryption field in column 6 of the patent. However, column 6 describes some encryption processes that can be triggered in response to identifying a watermark on a printer document. Here, the examiner is attempting to equate a watermark with the applicant's profile. However, a printed watermark is clearly not a data file or text file. Therefore, a watermark cannot have a field of any kind.

7. In summary, Seder et al. describe a system that permits a user to identify and/or access a stored electronic document in a database, by first identifying a watermark on a printed version of the document. At the most abstract level, I do not see how such a system would suggest a system that momentarily links a profile with a scanned document, to automate the transmission and encryption processes. On the more detailed level, Seder et al. does not describe the applicant's profile, having address and encryption fields. So even if an expert were motivated to invent a system to perform the same function described in the applicant's claims, Seder et al. does not provide an expert with the "building blocks" needed to enable the applicant's claims.

8. The Hind et al. invention is presented to introduce details concerning encryption keys and certificate authority. Hind et al. describes an invention in the context of a wireless communications environment, and I am not certain that an expert in the scanning/printing field would look to the field of wireless communications for ideas. However, that point is not relevant, because even if the two inventions are merged, that merger cannot make the applicant's claims obvious. Again, at the most abstract level, neither of the two prior art patents suggests the purpose of the applicant's invention, and neither describes the components that would be needed to enable the applicant's invention.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful,

false statements may jeopardize the validity of the application on any patent issuing thereon.

Date: 27 Sept. 2006

Signed:   
Burton (Budd) Levin